



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

**DEREK SCHMIDT**  
ATTORNEY GENERAL

May 31, 2019

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Andrew Perez  
MapLight  
Political Reporter  
MuckRock News  
DEPT MR 50035  
411A Highland Avenue  
Somerville, MA 02144-2516

VIA 50035-43091414@requests.muckrock.com  
Hard Copy WILL Follow

Re: Request for Records

Dear Mr. Perez:

On February 28, 2018, we received your fax dated the same date requesting records in the possession of this office. In your fax, you requested the following:

Pursuant to the Kansas Open Records Act (K.S.A. 45-215), I hereby request the following records:

Copies of all available emails, documents and email attachments exchanged, from August 1, 2017 and February 28, 2018, between officials at the Kansas Attorney General's Office and individuals affiliated with the following organizations and companies. I am providing email domains and email addresses as search terms.

- Judicial Crisis Network ("@judicialnetwork.com")
- National Rifle Association ("@nrahq.org"; "@nraila.org")
- Koch Industries ("@kochind.com"; "@kochps.com")
- U.S. Chamber of Commerce ("@uschamber.com"; "@institutelegalreform.com")
- Federalist Society ("@fed-soc.org"; "@leonard.leo@hotmail.com")
- Altria Client Services ("@altria.com")
- Purdue Pharma ("@pharma.com")
- Mallinckrodt ("@mallinckrodt.com")
- Anthem, Inc. ("@anthem.com")
- Southern Company ("@southernco.com")
- Peabody Energy ("@peabodyenergy.com")
- DTE Energy ("@dteenergy.com")
- Community Choice Financial ("@ccfi.com")
- Advance America ("@advanceamerica.net")
- American Chemistry Council ("@americanchemistry.com")
- Monsanto ("@monsanto.com")
- Hamilton Consulting Group ("@hamilton-consulting.com")

- Michael Best Strategies, LLC ("@michaelbeststrategies.com")
- Bruning Law Group ("@bruninglawgroup.com")
- Cozen O'Connor P.C. ("@cozen.com")
- Hunton & Williams ("@hunton.com")

On March 5, 2018, we emailed you a letter acknowledging receipt of your request pursuant to the provisions of K.S.A. 45-218(d).

On October 30, 2018, we emailed you a letter notifying you that we completed our search for records that may be responsive to your request. We noted that your request for records requested "emails, documents and email attachments." Based on this phrase, we defined the word "document" as electronic correspondence exchanged via email and not paper records, if any. Our letter advised that if this was not an accurate understanding of your request for records, please notify us in writing by Tuesday, November 20, 2018.

Our October 30, 2018, letter advised that our initial email based search for records identified over 1,500 emails that may be responsive to your request for records. Our initial email based search for records utilized all the search terms listed in your request for records. We narrowed our search by excluding emails from the Federal Judiciary's Case Management/Electronic Case Files System. This is a comprehensive case management system that, in part, provides notice of any actions for all federal bankruptcy, district and appellate courts to attorneys who have entered their appearance in a specific case. We further narrowed our search by excluding informational and aggregated emails from various providers received within the Office of the Attorney General. Our letter advised that our filtered search identified approximately 742 emails that may be responsive to your request for records.

In order to determine whether these emails are responsive to your request, we were required to review each of these approximately 742 emails. Because your request asked for "emails, documents and email attachments **exchanged . . . between**" this office and the list of organizations included in your request for records, we searched for emails with your search terms in either the "To" or "From" line of the emails. (Emphasis added) Our letter advised that if this was not an accurate understanding of your request for records, please notify us in writing by Tuesday, November 20, 2018. After conducting this review, we identified approximately 337 emails that may be responsive to your request for records.

Our October 30, 2018, letter stated that pursuant to K.S.A. 45-218(f), a public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records. We estimated it would take 18.00 hours to gather, review, redact<sup>1</sup> if necessary and prepare these records to be provided to you. Additionally, we noted that there will be a charge of \$0.125 per page for electronic copies. Our letter stated that these costs could not be estimated at that time as it was unknown how many total pages will be subject to disclosure after redaction. We noted that when this cost was known, you will be advised. Therefore, the initial estimated fee to continue the work of providing copies of the requested records was \$639.00.

On November 9, 2018, we received your email dated the same date that stated:

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<sup>1</sup> K.S.A. 2018 Supp. 45-221(d) requires the separation or deletion of material in public records that is not open to the public.

Please remove these subjects from our search: The Federalist Society; Anthem; Monsanto; Cozen O'Connor.

The remaining search terms should be:

- Judicial Crisis Network ("@judicialnetwork.com")
- National Rifle Association ("@nrahq.org" ; "@nraila.org")
- Koch Industries ("@kochind.com" ; "kochps.com")
- U.S. Chamber of Commerce ("@uschamber.com" ; "@institutelegalreform.com")
- Altria Client Services ("@altria.com")
- Purdue Pharma ("@pharma.com")
- Mallinckrodt ("@mallinckrodt.com")
- Southern Company ("@southernco.com")
- Peabody Energy ("@peabodyenergy.com")
- DTE Energy ("@dteenergy.com")
- Community Choice Financial ("@ccfi.com")
- Advance America ("@advanceamerica.net")
- American Chemistry Council ("@americanchemistry.com")
- Hamilton Consulting Group ("@hamilton-consulting.com")
- Michael Best Strategies, LLC ("@michaelbeststrategies.com")
- Bruning Law Group ("@bruninglawgroup.com")
- Hunton & Williams ("@hunton.com")

On January 19, 2019, we received your email dated the same date that stated:

We would just want these search terms:

- Judicial Crisis Network ("@judicialnetwork.com")
- National Rifle Association ("@nrahq.org" ; "@nraila.org")
- Koch Industries ("@kochind.com" ; "kochps.com")
- U.S. Chamber of Commerce ("@uschamber.com" ; "@institutelegalreform.com")
- Purdue Pharma ("@pharma.com")
- Mallinckrodt ("@mallinckrodt.com")
- Hamilton Consulting Group ("@hamilton-consulting.com")
- Michael Best Strategies, LLC ("@michaelbeststrategies.com")
- Bruning Law Group ("@bruninglawgroup.com")
- Hunton & Williams ("@hunton.com")

We have completed our search for records responsive to your request for records. Please be advised that we have identified approximately 115 emails that may be responsive to your request for records. Some of these records contain information that is not subject to disclosure under the open records act. Because of this, some records will need to be redacted pursuant to the provisions of K.S.A. 2014 Supp. 45-221(d). This provision requires the separation or deletion of material in public records that is not open to the public.

Letter to Andrew Perez

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Pursuant to K.S.A. 45-218(f), a public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records. We estimate it will take three and three quarters (3.75) hours to review, redact<sup>2</sup> if necessary and prepare these records to be provided to you. Additionally, there will be a charge of \$0.25 per page for paper copies, as well as the cost of mailing the records to you. These costs cannot be estimated at this time as it is unknown how many total pages will be subject to disclosure after redaction. When this cost is known, you will be advised.

Therefore, the revised estimated fee to begin the work of providing copies of the requested records is \$131.25. Please make your check or money order payable to the Office of the Attorney General.

While we have done our best to provide an accurate estimate of the fee, it is possible that the records can be produced for less than this estimated amount. If so, any additional amounts will be refunded. Likewise, it is possible that the fee estimate is too low. If we discover that the estimated fees are too low, we will promptly advise you of any correction to the fees, and request advance payment of any additional costs before continuing the work.

We will do our best to provide the records in a timely manner once your payment has been received. However, due to the other ongoing work of this office, reviewing, redacting and preparing the requested records will occur over a period of time after payment has been received.

If you wish to further revise your request in order to reduce the cost of providing records, please send a revised request to me at the address on this letter.

Thank you in advance for your assistance. If we do not hear from you by **Wednesday, June 26, 2019**, we will consider your request for records withdrawn.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL  
DEREK SCHMIDT

A handwritten signature in dark ink, appearing to read 'P. Michael', written in a cursive style.

Philip R. Michael  
Assistant Attorney General

PRM:sb

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<sup>2</sup> K.S.A. 2018 Supp. 45-221(d) requires the separation or deletion of material in public records that is not open to the public.